

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

DAVE DAVIS,

Defendant.

CASE NO. 1:23CR314-3

JUDGE JAMES G. CARR

MAGISTRATE JUDGE DARRELL A. CLAY

**REPORT AND RECOMMENDATION TO
ACCEPT GUILTY PLEA**

Pursuant to 28 U.S.C. § 636(b)(3) and [General Order 99-49](#) of this Court, this matter was referred to me, on consent of the parties, to: receive the defendant's unconditional offer of a plea of guilty; conduct the colloquy prescribed by Fed. R. Crim. P. 11; cause a verbatim record of the proceedings to be prepared; refer the matter, if appropriate, for pre-sentence investigation; and submit a Magistrate Judge's Report and Recommendation indicating whether the plea should be accepted and a finding of guilt entered. Accordingly, this Report and Recommendation, along with the transcript or other record of the proceedings submitted contemporaneously, constitutes my recommendation regarding the plea of guilty proffered by the defendant.

1. On May 6, 2025, Defendant, accompanied by counsel, proffered a plea of guilty.
2. Prior to such proffer, the defendant was: (a) examined for competency; (b) advised of the charge(s) and consequences of conviction; (c) informed that the Court may be required to give consideration to the advisory Federal Sentencing Guidelines and of the possibility of a departure from the Sentencing Guidelines; (d) notified as to his/her rights; (e) advised that he/she was waiving all of his/her rights except the right to counsel, and, if such were the case, his/her right to appeal; and (f) otherwise provided with the information prescribed in Fed. R. Crim. P. 11.
3. I questioned the defendant under oath to ensure that the defendant was making a knowing, intelligent, and voluntary plea of guilty. Based on that

examination, I find that the defendant's plea was, in fact, offered knowingly, intelligently, and voluntarily.

4. The parties provided me with sufficient information about the charged offense(s) and the defendant's conduct to establish a factual basis for the plea.

In light of the foregoing and the record submitted contemporaneously, I find the defendant's plea to be knowing, intelligent, and voluntary. I further find that all requirements of the United States Constitution and Fed. R. Crim. P. 11 have been fully satisfied. Therefore, I recommend that the Court accept the plea of guilty and enter a finding of guilt.

IT IS SO ORDERED.

Dated: May 6, 2025



DARRELL A. CLAY
UNITED STATES MAGISTRATE JUDGE

ANY OBJECTIONS to this Report and Recommendation must be filed with the Clerk of Court within fourteen days of service of this notice. Failure to file objections within the specified time WAIVES the right to appeal the Magistrate Judge's recommendation. *See United States v. Walters*, 638 F.2d 947 (6th Cir. 1981); *Thomas v. Arn*, 474 U.S. 140 (1985).